

SENATE BILL 3651

By Yager

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 5; Title 6; Title 11; Title 54; Title 55; Title 67;
Title 68 and Title 70, relative to the development
and promotion of Adventure Tourism in
Tennessee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known as the "Tennessee Adventure Tourism and Rural Development Act of 2010".

SECTION 2. Tennessee Code Annotated, Title 11, Chapter 11, is amended by adding the following as a new, appropriately designated part.

11-11-201. The department of environment and conservation, in cooperation with the department of tourism and the department of economic and community development, is directed to study and develop a plan for the promotion and development of adventure tourism and other recreational and economic development activities in rural areas of Tennessee. Such study and plan shall be developed within existing departmental resources. The departments are directed to consider natural areas, existing recreational opportunities, economic conditions, including but not limited to persistent high unemployment, safety and environmental issues and community interest in developing such plan. Such plan shall identify those areas of the state where those activities currently exist and could easily be developed and should include recommendations on whether and to what extent existing laws should be amended in order to encourage development of adventure tourism in Tennessee. The departments are authorized to promulgate rules and regulations in order to effectuate the purposes of this part.

11-11-202. As used in this part, unless the context otherwise requires:

(1) "Adventure tourism" means outdoor recreational opportunities such as equine and motorized trail riding, white-water rafting and kayaking, rappelling, rock climbing, hang-gliding, spelunking and other such activities;

(2) "Adventure tourism area" means an area identified by the department as an appropriate region for the promotion and development of adventure tourism;

(3) "Adventure tourism district" means a defined geographic area identified and approved by a two-thirds vote of a local governing body as an area where the promotion of adventure tourism is encouraged;

(4) "Department" means the department of environment and conservation;

(5) "Hang-gliding" means an air sport in which a pilot flies a light and un-motorized aircraft launched by foot;

(6) "Kayaking" means the use of a kayak for navigations of waterways;

(7) "Local governing body" means the elected legislative body of a municipal, metropolitan or county government;

(8) "Motorized trail riding" means the exploration of trails and natural areas by use of all terrain vehicles;

(9) "Rappelling" is the controlled descent down a rope by climbers used to explore cliffs or slopes that are too steep to descend without protection;

(10) "Rock climbing" means the recreational sport of climbing up or across natural rock formations;

(11) "Spelunking" means the recreational sport of exploring noncommercial cave systems; and

(12) "White water rafting" means the recreational activity of using an inflatable raft to navigate rough water.

11-11-203. The department shall, prior to July 1, 2011, identify geographic regions of the state where promotion and development of adventure tourism is suitable. The department shall identify for each area the appropriate types of recreational activities suitable to the region and shall recommend rules and regulations to apply within appropriately designated adventure tourism districts.

11-11-204. When the department has identified suitable areas of the state for the promotion of adventure tourism, a local governing body, may, by a two-thirds vote of its governing body, authorize the creation of a district within the boundaries of such governing body as an adventure tourism district. Alternatively, one (1) or more counties or one (1) or more municipalities may enter into an intergovernmental agreement pursuant to title 12, chapter 9, part 1, to designate jointly an adventure tourism district that contains area within the boundaries of more than one (1) local government.

11-11-205. The department of tourism and the department of economic and community development are encouraged to work together cooperatively to develop and provide resources, including, but not limited to technical assistance, geographic information systems resources, grants, loans and tax incentives to encourage the development of adventure tourism within those regions of the state designated as suitable for such activities and where there exists persistent high unemployment.

SECTION 3. Tennessee Code Annotated, Section 55-8-185, is amended by adding the following as a new, appropriately designated subsection:

(j) In addition to the provisions above, an off-highway motor vehicle defined in § 55-3-101(c)(2) maybe operated or driven upon any streets, roads or highways

designated for such purpose and included within the boundaries of an adventure tourism district established pursuant to § 11-11-204.

SECTION 4. This act shall take effect July 1, 2010, the public welfare requiring it.